

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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| Application of: | Joar Opheim | Confirmation No.: | 1343 |
| Serial No.: | 10/646,898 | Art Unit: | 1611 |
| Filed: | August 22, 2003 | Examiner: | Isis A D Ghali |
| For: | FLAVORED GELATIN CAPSULE AND METHOD OF MANUFACTURE | Attorney Docket No.: | 012098-0012-999 / NN009 |

**NOTICE OF APPEAL FROM THE PRIMARY EXAMINER
TO THE BOARD OF PATENT APPEALS AND INTERFERENCES**

Mail Stop AF

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the decision dated February 19, 2010, of the Primary Examiner finally rejecting claims 1, 2, 5, 8, 17, and 18 of the above-identified application.

The item(s) checked below are appropriate:

1. ☒ A request for an extension of time for responding to the final rejection for three (3) month is submitted herewith.
2. ☒ A timely response to the final rejection has been filed.
3. ☒ The fee for filing this Notice of Appeal:
☐ is required in the amount of \$540.00.
☒ is required in the amount of \$270.00 for this small entity.
☐ Not required (Fee paid in prior appeal).
4. ☒ Please charge the required fee, if any, to Jones Day Deposit Account No. 50-3013 (reference 012098-0012-999).

Date: August 18, 2010

Respectfully submitted,


David C. Pauling

For: James W. Peterson

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